

ARTICLE 72.

OYSTERS.

Tonging.

1. Tonging license; limit of such license; provisos.
2. What such license shall state; disposition of license fees.
3. Applicants for license shall make oath; what oath shall set forth.
4. Comptroller to furnish blank licenses; clerk to account for licenses issued and return unused licenses. Fees to be placed to credit of oyster fund. When licenses shall expire.
5. Catching oysters without license; penalty.
6. Provisions for Anne Arundel, Dorchester, Kent, Queen Anne's and Talbot Counties.
7. Provision for Patuxent River.

Culling.

8. Culling oysters; shells.
9. Provision as to unmerchable oysters; penalty.
10. Possessing uncultured oysters; penalty.
11. Penalty for violating Secs. 8 and 9; unmerchable oysters to be returned to natural bars.
- 12-13. Laws as to culling and size apply to oysters brought into state.
14. Vessel to be kept at wharf until the cargo inspected. Form of certificate to be given by inspector. Penalty for violating this provision.
15. Evading laws; penalty.
16. Measurers and inspectors to enforce this article.
17. Refusing inspection; penalty.

Time for Taking Oysters.

18. Time within which it shall not be lawful to catch oysters; proviso.

19. Penalty for violating sec. 18.
20. Catching oysters on Sunday or at night, unlawful; penalty.
21. Disposition of fines under provisions of this article.

Dredging.

22. Using steamer or power boat in catching oysters, unlawful; penalty. License.
23. Unlawful to use scoop, dredge, scrape, etc., in taking oysters; penalty.
24. Dredging license; exempted waters; penalty.
25. Dredging on unlicensed vessels, unlawful. Scoop or dredge on board such vessel shall be *prima facie* evidence.
26. Oath of owner of boat; penalty for violating this provision.
27. Boat license; license to be kept on boat; inspection and correction thereof; disposition of fees.
28. Penalty for violating Secs. 22 and 25.
29. Arrest of offenders.
30. What firearms may be allowed on vessels. Penalty for violation.
31. Sheriffs and constables to arrest any person violating these provisions and seize boat.
32. When vessel shall be forfeited. Sale of vessel. Application of proceeds of sale; proviso. Right of appeal. Persons having lien may file petition.
33. Sale of boats of non-residents; proviso.

Oyster Fund.

34. What moneys credited to fund.

Act. of 1833, ch. 254, prohibiting taking or catching oysters in any of waters of the state with a scoop or drag, etc., and providing as a penalty for forfeiture to state of boat or vessel so employed, held not to be in conflict with federal Constitution, although applied to a vessel owned by a non-resident and licensed under laws of United States. *Smith v. Maryland*, 18 How. 71. And for a case upholding act of 1880, ch. 198, see *The Ann.* 8 Fed. 924. *Cf. Booth v. Lloyd*, 33 Fed. 597, and *Ex Parte Insley*, 33 Fed. 682 (declaring the act of 1884, ch. 518, invalid).

As to regulations relative to crabs, see art. 39, sec. 104, *et seq.*